

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

JOHN MONTANO and RUTHIE MONTANO,
Individually and as Parents and Guardians of
ZACKARY KYLE MONTANO, a minor, and
HANNAH JOY MONTANO, a minor,

Plaintiffs,

vs.

Civ. No. 99-344 RLP/WWD

ALLSTATE INDEMNITY COMPANY and
BILLIE JO MARSH,

Defendants.

MEMORANDUM OPINION AND ORDER

This cause comes before the Court upon the Motion to Expand Scope of Discovery filed December 6, 1999, by Defendant Allstate Indemnity Company (Docket #82). Defendant once again¹ seeks to obtain discovery concerning Plaintiff's alleged cocaine use at times prior to thirty days before the accident which is the critical event in this lawsuit. I find the purported evidence of Plaintiff's post accident use of cocaine coupled with his sworn denial of such use as well as other matters raised by Defendant, necessitate revisiting and revising my former ruling.

WHEREFORE,

IT IS ORDERED that the portion of the Order entered September 10, 1999, which limits the inquiry by Defendant into Plaintiff's prior cocaine use to a thirty day period before the accident here involved be, and it is hereby, vacated and set aside.


UNITED STATES MAGISTRATE JUDGE

¹ This question was addressed in the Order I entered September 10, 1999.